

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JENS H.S. NYGAARD,

Plaintiff,

V.

FÉDÉRATION INTERNATIONALE DE
L'AUTOMOBILE, FORMULA ONE
MANAGEMENT LTD., FORMULA ONE
WORLD CHAMPIONSHIP LTD.,
MERCEDES-BENZ GRAND PRIX LTD.,
DAIMLER AG, LEWIS HAMILTON, RED
BULL TECHNOLOGY LTD., RED BULL
RACING LTD., FERRARI S.P.A.,
CHARLES LECLERC, and DALLARA
AUTOMOBILI S.P.A.,

Defendants.

[Decorative separator consisting of a series of repeating loops]

Case No. 6:20-cv-00234-ADA

JURY TRIAL DEMANDED

ORDER

Before this Court is the Joint Motion for Entry of Scheduling Order. Finding the motion to be unopposed, and useful for the orderly management of these deadlines, the parties' joint motion is GRANTED.

IT IS HEREBY ORDERED that the current Agreed Amended Scheduling Order (ECF No. 258), which was entered by the Court on December 2, 2021, is amended as follows:

Deadline	New Deadline	Item
December 8, 2021	December 14, 2021	Opening Liability Expert Reports. ¹
N/A	December 24, 2021	Opening Damages Expert Reports.
January 14, 2022	February 7, 2022	Rebuttal Liability Expert Reports.
January 10, 2022	February 7, 2022	Plaintiff's Response in Opposition to Defendants' Partial Motion for Summary Judgment of Non-Infringement on Claim 2.
N/A	February 11, 2022	Rebuttal Damages Expert Reports.
January 21, 2022	February 18, 2022	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
	February 21, 2022	Defendants' Reply Brief in Support of MSJ on Claim 2.
January 28, 2022	February 25, 2022	Close of Expert Discovery.
February 4, 2022	April 22, 2022	Dispositive motion deadline and <i>Daubert</i> motion deadline.
	May 26, 2022	Daubert Responses Due.
	June 3, 2022	Dispositive Motion Responses (MSJ) Due.
	June 17, 2022	Daubert Replies Due.
	July 1, 2022	Dispositive Motion (MSJs) Replies Due.

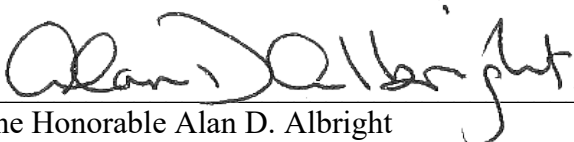
¹ For the avoidance of doubt, draft expert reports are exempt from discovery and include any notes, drafts, or other materials created by or for an expert other than evidence or recitation of facts for use in the expert's report or on which the expert relies in forming her opinion, pursuant to FRCP 26(b)(4).

Deadline	New Deadline	Item
February 9, 2022	July 15, 2022 ²	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
February 15, 2022	July 29, 2022	Serve objections to pretrial disclosures/rebuttal disclosures.
	August 5, 2022	Parties to jointly email the Court's law clerk to confirm their Pre-Trial conference and trial dates.
February 18, 2022	August 12, 2022	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
	August 18, 2022	In-person hearing on all pending motions.
February 25, 2022	August 19, 2022	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
March 4, 2022	August 26, 2022	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com .
	August 26, 2022	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .

² This deadline and all the subsequent deadlines below apply only to plaintiff Nygaard and the FIA and F1 defendants with respect to the separate pre-trial conference and trial between Nygaard and the FIA and F1 defendants. This deadline and all the subsequent deadlines below do not apply to plaintiff Nygaard and the Red Bull defendants with respect to the separate pre-trial conference and trial between Nygaard and the Red Bull defendants. As stated in the Court's Order entering the Stipulation between Nygaard and the Red Bull defendants (Dkt. 299), Nygaard's claims against the Red Bull defendants and the Red Bull defendants' defenses to Nygaard's claims have been severed for a separate pre-trial conference and trial, and Nygaard and the Red Bull defendants will agree upon a separate schedule for the exchange and submission of pre-trial disclosures, motions *in limine*, and their pre-trial order in advance of the separate pre-trial conference for the separate trial between Nygaard and the Red Bull defendants.

Deadline	New Deadline	Item
March 18, 2022	September 1, 2022	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
49 weeks after <i>Markman</i> hearing (or as soon as practicable) [March 18, 2022]	September 16, 2022 at 1:30 pm	Final Pretrial Conference.
	October 6, 2022	Jury Selection by Judge Gilliland.
52 weeks after <i>Markman</i> hearing (or as soon as practicable) ³ [March 31, 2022 jury selection/April 4, 2022 trial]	October 7-14, 2022	Trial.

SIGNED this 9th day of May, 2022.


 The Honorable Alan D. Albright

³ If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-*Markman* that are consistent with the Court's default deadlines in light of the actual trial date.